

COMMISSIONERS APPROVAL

ROKOSCH *JRM*

GRANDSTAFF *cg*

THOMPSON *AT*

CHILCOTT *CH*

DRISCOLL *KD*

PLETTENBERG (Clerk & Recorder)

Date.....November 29, 2007

Members Present..... Commissioner Jim Rokosch,
Commissioner Carlotta Grandstaff, Commissioner Alan Thompson and Commissioner
Kathleen Driscoll

Minutes: Glenda Wiles

Commissioner Chilcott attended the MACo JPA Trustee Retreat in Red Lodge, Montana.

The Board met with School Superintendent Ernie Jean in order to discuss and receive an explanation of the budget and tax levy per pupil (see attachment). Ernie relayed that school budgets are based on the enrollment of the previous year. Therefore budgets may not reflect the enrollment of that current year. Ernie indicated if they take the total school budget, such as Corvallis (which excludes the Federal Funds budget) at \$9,246,716 and divide that budget by the October student count of 1,413, the budget per pupil cost is \$6,544. Special education budgets are not identified in this figure. Utilizing the Corvallis School District figures again; Ernie noted the county and state levy totals \$941,511. Ernie also noted all of the capital expenditures exclude bonds for any school construction.

Commissioner Rokosch stated the budget per pupil number is the number he is utilizing in regard to the impacts of subdivision, i.e., Corvallis budget per pupil is \$6,544 and any new student will increase the budget by that amount. Commissioner Thompson stated there are years the population is down and there is an excess. Commissioner Driscoll stated there is a lag time on the revenues collected by the state on the property taxes which is estimated at 25%, so there is never an excess because of the lag time that is due to the progression of phasing on the property tax levels.

Ernie stated there have been a few years that school population decreases, but on the average there has been a steady increase since the 1980's. What they are seeing now is a decline in the school aged children at the elementary level.

Ernie stated he would feel comfortable with a differential assessment fee for each school because these figures are based upon the actual operational costs. However that is a policy decision the Commissioners must make.

Minutes: Beth Perkins

The Board met for a public hearing on the Eby Minor Subdivision. Present at this meeting were Planner Renee Lemon and PCI Representative Bill Burnett.

Commissioner Rokosch called the meeting to order and requested any conflicts of interest, hearing none. He then requested the Planning Staff Report.

Renee presented the Staff Report as follows:

**EBY SUBDIVISION
TWO-LOT FIRST MINOR SUBDIVISION**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: Renee Lemon

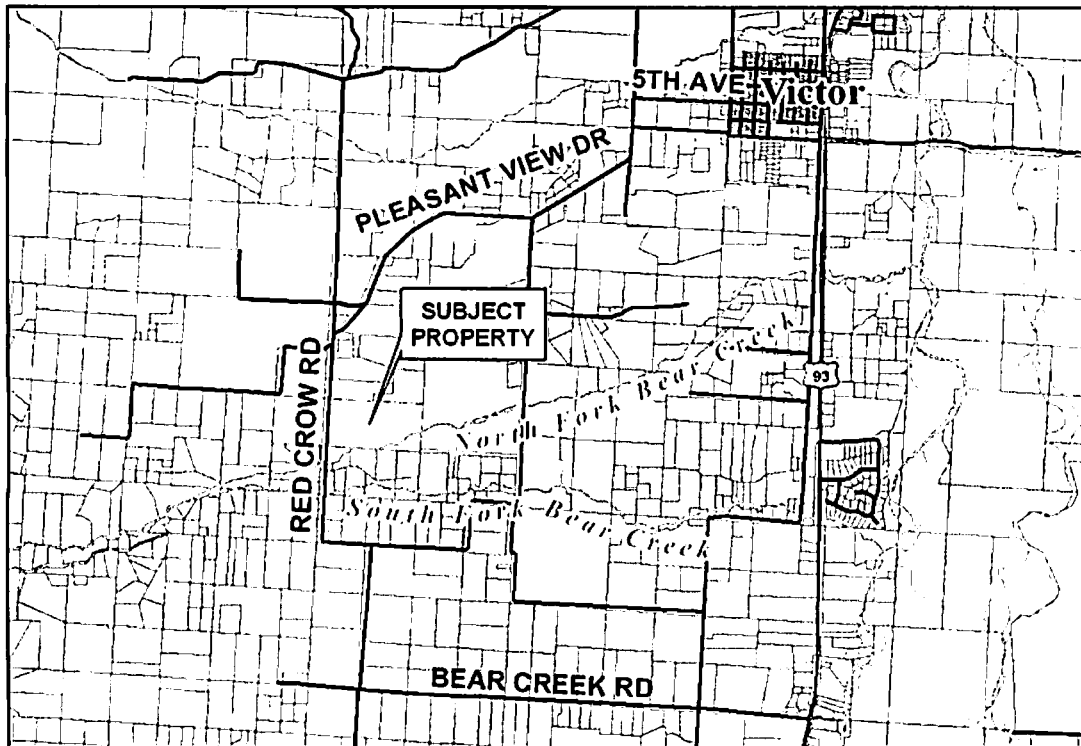
**REVIEWED/
APPROVED BY:** John Lavey

PUBLIC MEETINGS: BCC Public Meeting: 9:30 a.m. November 29, 2007
Deadline for BCC action (35 working days): December 6, 2007

SUBDIVIDER: Tallwoods Development Corporation
584 Indian Prairie Loop
Victor, MT 59875

REPRESENTATIVE: William E. Burnett
Professional Consultants, Inc. (PCI)
1713 N. 1st Street
Hamilton, MT 59840

LOCATION OF REQUEST: The property is located southwest of Victor off
Red Crow Road. (See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

N2SW4 of Section 2 and NE4SE4 of Section 3, T7N,
R21W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined sufficient on October 16, 2007. Agencies were notified of the subdivision on January 23, 2007 and November 14, 2007. Comments received from agencies are Exhibits A-1 through A-8 of the staff report. **This subdivision is being reviewed under the Ravalli County Subdivision Regulations (RCSR) amended May 24, 2007.**

LEGAL NOTIFICATION:

Notice of the project was posted on the property and adjacent property owners were notified by regular mail dated November 14, 2007. No public comments have been received to date.

DEVELOPMENT

PATTERN:

Subject property:	Low Density Residential/Pasture
North:	Low Density Residential
South:	Low Density Residential
East:	Low Density Residential
West:	Low Density Residential

INTRODUCTION

Currently, there is one residential dwelling on the west side of the property (proposed Lot 1) that is part of a life estate. The east side of the property is being used as horse pasture. The applicant is proposing to add one additional residential dwelling to the east side of the property. The property has extensive wetlands and riparian areas associated with the North Fork of Bear Creek. The applicant mapped the wetlands and riparian areas, and is proposing no-build/alteration zones and a building envelope to protect these sensitive water features. There are no variances associated with the subdivision proposal.

Staff recommends conditional approval of the subdivision proposal.

PLANNING STAFF RECOMMENDED MOTION

That the Eby Minor Subdivision be approved based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

PLANNING STAFF RECOMMENDED CONDITIONS

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Section 3-2-8(b)(v), RCSR, Impacts on Agriculture*)

Notification of Irrigation Facilities and Easement. Within this subdivision there is an irrigation easement, as shown on the final plat. All downstream water right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. Downstream water right holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is

expressly prohibited. (*Section 3-2-8(a) and Section 3-2-8(b) (v) (B), RCSR, Impacts on Agricultural Water User Facilities*)

Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along the Red Crow Road frontage of Lots 1 and 2, excepting the existing approach to the driveway on Lot 1 and the approved approach for Lot 2. This limitation of access may be lifted or amended only with the approval of the Board of County Commissioners. (*Section 3-2-8(b) (v), RCSR, Impacts on Local Services and Public Health and Safety*)

Notification of Proximity to North Fork of Bear Creek. This subdivision is located in close proximity to the North Fork of Bear Creek. There is an inherent hazard associated with creeks, due to potential soil erosion, flooding and movement of the stream channel. It is recommended that property owners of this subdivision obtain flood insurance and that the lowest floor of all structures and utilities be located a minimum of 2.0 feet above the natural grade. (*Section 3-2-8(b) (v), RCSR, Impacts on Public Health and Safety*)

Notification of "Very Limited" Soils. Within this subdivision there are areas of the property identified by the Natural Resources Conservation Service (NRCS) as potentially having soils rated as "very limited" for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat. Descriptions of the severe soils in question are included as exhibits to this document [the subdivider shall include the exhibits as attachments]. (*Section 3-2-8(b) (v), RCSR, Impacts on Public Health and Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Waiver of Protest to Creation of RSID/SID. Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b) (v), RCSR, Impacts on Local Services and Public Health and Safety*)

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov. (*Section 3-2-8(b) (v), RCSR, Impacts on Agriculture and Wildlife & Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. There is high potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners must be aware of this potential damage. They should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees or orchards** are a major wildlife attractant, and fruit-bearing trees and shrubs can regularly attract bears in the fall. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or vegetable material can attract bears, skunks and other wildlife. Gardens should be fenced with one-foot of fencing material below ground level and be at least eight feet in height, in order to discourage wildlife such as deer from feeding in gardens. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. Electric fencing is necessary to effectively prevent wildlife such as bears from entering a garden or fruit tree/shrub area, but only if the fence is properly constructed and regularly monitored and maintained to ensure proper use and function. Consult with the Montana Department of Fish, Wildlife and Parks on the proper techniques to develop and maintain an effective electric fence.
- c. If stored outdoors, **garbage** should be in secure bear-resistant containers; otherwise it should be stored indoors prior to curbside pick-up or transport to a centralized garbage collection site, in order to avoid attracting wildlife such as bears and raccoon. If curbside garbage pick-up is available, garbage cans may not be set out until the morning of garbage pickup and must be brought in no later than that same evening. (Consult Montana Fish, Wildlife & Parks for information on purchasing or constructing bear-resistant trash containers or storage areas.)
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.

- e. **Birdseed** is an attractant to bears, and outdoor birdfeeders are strongly discouraged from April 1st through the end of November. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets and/or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors, and permanent outdoor barbecue grills are discouraged. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears and should be avoided. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- a. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

No-Build/Alteration Zones. Healthy, naturally functioning riparian areas benefit fish and wildlife, as well as agriculture and recreation. The goal of the "no build/alteration zones" along the North Fork of Bear Creek, the unnamed tributary of the North Fork of Bear Creek, and covering the wetlands is to help

preserve the water quality and functionality of these water features, protect and enhance the riparian areas, and protect property from eroding banks and possible flooding. Encouraging the development of native vegetation (including shrubs and trees)--while *discouraging* actions such as grading, planting and irrigating lawns, mowing or cutting or clearing vegetation, and livestock grazing--would help preserve the functionality of this creek, protect and improve wetland vegetation, enhance slope stability, and protect property from eroding banks and possible flooding. (*Section 3-2-8(b) (v), RCSR, Impacts on Natural Environment and Wildlife & Wildlife Habitat*)

The "No Build/Alteration Zones" are depicted on the plat. These zones, including a "buffer zone" within a minimum of 100-feet outward from each side of the North Fork of Bear Creek, are protected by the following covenants (restrictions) to help avoid damage to the stream, its riparian areas, and wetlands, as well as enhancing these areas:

- a) No building, no new roads or alteration is allowed within the no-build/alteration zones, except for the proposed driveway crossing, as permitted by the U.S. Army Corps of Engineers.
- b) Only non-motorized access and use of the no-build/alteration zones is allowed, except for the driveway crossing and certain maintenance needs such as weed spraying.
- c) Do not cut or remove live or dead vegetation, particularly shrubs and trees from the no-build/alteration zones. Wood (i.e., fallen branches, downed trees) is an important part of fish habitat and contributes significantly to overall stream health. Wood regularly causes bed scour that creates pools where fish reside to feed and seek cover. Wood also stores sediment that is used for spawning. Dead trees also function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
- d) Do not plant lawns in the no-build/alteration zones. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
- e) If planting is planned for this area, the goal should be to re-establish native plant species appropriate to the site.
- f) Keep livestock out of the North Fork of Bear Creek and develop off-stream watering facilities (e.g., water troughs) for livestock. If livestock graze on Lot 1, fencing shall be constructed and maintained along the wooded riparian boundary of the unnamed tributary of the North Fork of Bear Creek. If livestock graze on Lot 2, fencing shall be constructed and maintained along the wooded riparian boundary of the North Fork of Bear

Creek. Use fences to keep livestock from trampling and grazing riparian vegetation along the North Fork of Bear Creek and the unnamed tributary of the North Fork of Bear Creek.

- g) It is illegal to modify the streambed or streambanks of a perennial stream without a "310" permit (Montana Natural Streambed and Land Preservation Act). Any stream crossings need to follow any and all local and/or state regulations relative to bridge/culvert construction materials/methods. Certain other actions near the river and/or creek may require state and/or federal permit(s). Contact the Ravalli Conservation District office in Hamilton for further information.
- h) In summary, allow the riparian and wetland areas within the no-build/alteration zones to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.
- i) These riparian covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (Section 3-2-8(b) (v), RCSR, Impacts on Natural Environment)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. (Section 3-2-8(b) (v), RCSR, Impacts on Public Health & Safety)

Control of Noxious Weeds. A noxious weed evaluation form has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (Section 3-2-8(b) (v), RCSR, Impacts on Agriculture and Natural Environment)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Hamilton Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. *(Section 3-2-8(b) (v), RCSR, Impacts on Local Services and Public Health & Safety)*

Access Requirements for Lots within this Subdivision. The All Valley Fire Council, which includes the Victor Rural Fire Department, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Victor Rural Fire Department for further information. *(Section 3-2-8(b) (v), RCSR, Impacts on Local Services and Public Health & Safety)*

Building Standards. The All Valley Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. *(Section 3-2-8(b) (v), RCSR, Impacts on Local Services and Public Health & Safety)*

Wood Stoves. The County recommends that home owners install EPA-certified wood stoves to reduce air pollution. It is recommended that wood burning stoves not be used as the primary heat source. More information is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Credit for the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. *(Section 3-2-8(b) (v), RCSR, Impacts on Natural Environment)*

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. *(Section 3-2-8(b) (v), RCSR, Impacts on Natural Environment)*

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Section 3-2-8(b) (v), RCSR, Impacts on all six criteria)*

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the

subdivision including related right-of-way, drainage structures, and traffic control signs. *(Section 3-2-8(b)(v), RCSR, Impacts on Local Services and Public Health and Safety)*

4. The subdivider shall provide evidence with the final plat submittal that they have applied for a County-issued address for the new lot. *(Section 3-2-8(b)(v), RCSR, Impacts on Local Services and Public Health & Safety)*
5. Prior to final plat approval, the subdividers shall provide a letter from the Victor Rural Fire Department stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for the additional lot. Alternatively, the subdividers may provide evidence that \$500 has been contributed to the Victor Rural Fire Department with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Section 3-2-8(b)(v), RCSR, Impacts on Local Services and Public Health & Safety)*
6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Victor Rural Fire Department, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Victor Rural Fire Department for further information". *(Section 3-2-8(b)(v), RCSR, Impacts on Local Services and Public Health & Safety)*
7. The subdivider shall submit a letter or receipt from the Victor School District stating that they have received a contribution (to be determined at the Commissioner meeting) prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Impacts on Local Services)*
8. The subdivider shall submit \$500 to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Impacts on Local Services and Public Health and Safety)*
9. A building envelope shall be designated on the final plat and shall not encroach on the no-build/alterations zones. *(Section 3-2-8(b)(v), RCSR, Impacts on Natural Environment)*
10. Prior to final plat approval, the applicant shall provide permits from DNRC for the water rights to the two ponds and permits from FWP for any fish in the ponds or evidence that the permits are not required. *(Section 3-2-8(b)(v), RCSR, Impacts on Natural Environment)*

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied. (Section 3-4-4(a))
2. One paper and two mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. The features listed in Section 3-4-4(a) (ii) are required on the Final Plat. Following are specific features related to this subdivision:
 - a) Existing and proposed utility easements, as shown on the preliminary plat, shall be shown on the final plat.
 - b) The 10-foot wide irrigation easement shall be shown on the final plat, as shown on the preliminary plat.
 - c) The final plat shall show a no-ingress/egress zone along the Red Crow Road frontage of Lots 1 and 2, excepting the existing driveway to the residence on Lot 1 and the approved approach to Lot 2.
 - d) The no-build/alteration zones shall be shown on the final plat, as proposed in the preliminary plat.
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal. (Section 3-4-4(a))
4. Any variance decisions shall be submitted with the final plat submittal. (None have been requested at this time) (Section 3-4-4(a))
5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal. (Section 3-4-4(a))
6. The final plat review fee shall be submitted with the final plat submittal. (Section 3-4-4(a))
7. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal. (Section 3-4-4(a))
8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal. (Section 3-4-4(a))
9. RCEH approval shall be submitted with the final plat submittal. (Section 3-4-4(a))

10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal, if applicable. (Section 3-4-4(a))
11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal. (Section 3-4-4(a))
12. A final approach permit from the Ravalli County Road and Bridge Department for Lot 2 shall be submitted with the final submittal. (Section 3-4-4(a))
13. Utility availability certification(s) from Ravalli Electric Cooperative and Qwest Communications shall be submitted with the final plat submittal. (Section 3-4-4(a))
14. The applicant shall submit a master irrigation plan, which includes a diagram of existing irrigation infrastructure/easements either on the final plat or in a separate document and the irrigation agreement, with the final plat application. In addition to the required provisions in Section 3-1-5(a) (xxxv), the applicant shall also provide a detailed description of the existing water rights in the irrigation agreement. (Section 3-4-4(a))
15. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal. (Section 3-4-4(a))
16. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal. (Section 3-4-4(a))
17. A copy of the letter sent to the Victor School District stating the applicant has made or is not willing to make a voluntary contribution (to be determined) to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal. (Section 3-4-4(a))
18. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2.) (Section 3-4-4(a)) The following improvements have been approved through this proposal:

- Prior to final plat approval, the driveway approach to Lot 2 shall be paved from the edge of pavement of Red Crow Road to the eastern boundary of the easement for Red Crow Road.
19. The applicant shall pay the pro rata share of the cost to improve the portions of Fifth Avenue, Pleasant View Drive, and Red Crow Road leading to the subdivision prior to final plat approval. (Section 5-4-5(d), RCSR)

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utilities are located along Red Crow Road, which provides for a 60-foot wide public road and utility easement. (Eby Subdivision Application)
2. *Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)*

Conclusion of Law

The proposed subdivision application provides for utility easements.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. There are several different routes to the proposed subdivision. From Victor, the property is accessed via Fifth Avenue, Pleasant View Drive, and Red Crow Road. From the south, the property is accessed from Highway 93 via Bear Creek Road and Red Crow Road. (Map 1)
2. Fifth Avenue, Pleasant View Drive, Red Crow Road, and Bear Creek Road are County-maintained roads, which provide legal access. (RCSR)
3. The applicant is required to pay the pro share of the cost to improve these roads to meet County standards. (RCSR)
4. The applicant requested a preliminary pro rata assessment from the Ravalli County Road and Bridge Department. Pro rata was assessed for the most logical route, via Fifth Avenue, Pleasant View Drive, and Red Crow Road, as determined by the Road Department. (Eby Subdivision Application)

5. *To ensure legal and physical access to the subdivision via Fifth Avenue, Pleasant View Drive, and Red Crow Road, the applicant is required to pay the pro rata share of the cost to improve the portions of Fifth Avenue, Pleasant View Drive, and Red Crow Road leading to the subdivision prior to final plat approval. (Final Plat Requirement 19)*

Conclusion of Law

With the pro rata requirement of final plat approval, legal and physical access will be provided via Fifth Avenue, Pleasant View Drive, and Red Crow Road.

- C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.**

Finding of Fact

The applicant is required to submit evidence that the following improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval (Final Plat Requirement 18):

- Prior to final plat approval, the driveway approach to Lot 2 shall be paved from the edge of pavement of Red Crow Road to the eastern boundary of the easement for Red Crow Road.

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that the improvements are installed.

- D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
 - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
 - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
 - (iii) reserve and sever all surface water rights from the land.
2. The average lot size for this proposal is approximately 60.4 acres.

Conclusion of Law

The provisions in 76-3-504(1) (j), MCA, do not apply because the average lot size is greater than 5 acres.

- E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the subdivider is required to establish ditch easements in the subdivision that:
 - (A) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
 - (B) Are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
 - (C) Prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. There is an existing irrigation ditch traversing both proposed lots within the subdivision. The ditch is labeled as an "Existing Irrigation Ditch Within 10' Easement" on the preliminary plat. (Eby Subdivision Application)
3. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the following requirement and condition shall be met prior to final plat approval:*
 - *The 10-foot wide irrigation easement is required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
 - *A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*

Conclusion of Law

With the requirement and condition of final plat approval, this prerequisite will be met.

- F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.**

Finding of Fact

Parkland dedication is not required for two-lot first minor subdivisions.
(Section 3-3-2(b), RCSR)

Conclusion of Law

This requirement is not applicable.

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The subdivision design as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR. (Eby Subdivision File)
2. This development proposal has followed the necessary application procedures and has been reviewed in compliance with Chapter 3 of the RCSR. (Eby Subdivision File)

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The requirements for the application and review of this proposed subdivision have been met.

B. Applicable zoning regulations.

Findings of Fact

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2038). The application complies with Resolution 2038.
2. The property is not within one of the voluntary zoning districts in Ravalli County. (Eby Subdivision Application)

Conclusion of Law

This proposal complies with existing zoning regulations.

C. Existing covenants and/or deed restrictions.

Findings of Fact

- i. There are no existing covenants on the property. (Eby Subdivision Application)
- ii. There is a life estate and right to burial provided for Lola Bishop Eby and L. Wayne Eby in the deed (Document #569797). They will be allowed to live in the existing residence on proposed Lot 1 until they pass away. A

burial site and easement for family will be provided on the property. (Eby Subdivision Application)

Conclusion of Law

The proposal complies with the deed restrictions.

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:
 - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
 - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
 - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
 - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
 - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. Prior to final plat approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusion of Law

With the requirements of final plat approval, the application will meet all of the applicable regulations.

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The property has been used for horse pasture and limited hay production. The applicant is proposing large lots that will continue to be used as horse pasture (Eby Subdivision Application)
2. Parcels to the north of the subject property are classified for tax purposes as agricultural rural and appear to be used for grazing. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services and 2005 Aerial Photography created by the National Agricultural Imagery Program)
3. There is no prime farmland or farmland of statewide importance on the property. (Eby Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
4. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Spotted Knapweed, St. Johnswort, Ox-eye Daisy, and Sulfur Cinquefoil were scattered on the property. The subdivider has proposed a provision in the covenants that the owners of each lot control noxious weeds. (Eby Subdivision Application)

5. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
6. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*
 - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
 - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
 - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agriculture.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. There are three water rights associated with the property. Water right number 76H 21143 00 is a decreed right that provides 2.5 cfs from the North Fork of Bear Creek for flood irrigation. Water right 76H 21144 00 is a filed right for 1.5 cfs from an unnamed tributary of the North Fork of Bear Creek for flood irrigation. Water right number 76H 21145 00 is a filed right with no flow rate because it is used for stock. (Eby Subdivision Application)
2. The applicant is proposing to divide the water rights so that Lot 1 has 1/3 of the irrigation water from water rights 76H 21143 00 and 76H 21144 00, and 100% of the water from 76H 21145 00. Lot 2 will be have 2/3 of the irrigation water from water rights 76H 21143 00 and 76H 21144 00. The applicant is proposing an irrigation agreement that outlines the division of water rights. (Eby Subdivision Application)
3. A ditch travels from the North Fork of Bear Creek to deliver water to both Lots 1 and 2. An unnamed tributary of the North Fork of Bear Creek traverses Lot 1 and the North Fork of Bear Creek traverses Lot 2. No additional irrigation infrastructure is proposed. (Eby Subdivision Application)
4. There is a 10-foot wide easement proposed on the ditch. There are downstream users. (Eby Subdivision Application)
5. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agricultural water user facilities:*

- *The notifications document filed with the final plat shall include a notification of the irrigation ditch and easement on Lots 1 and 2. (Condition 1)*
- *The applicant shall submit a master irrigation plan, which includes a diagram of existing irrigation infrastructure/easements either on the final plat or in a separate document and the irrigation agreement, with the final plat application. In addition to the required provisions in Section 3-1-5(a) (xxxv), the applicant shall also provide a detailed description of the existing water rights in the irrigation agreement. (Final Plat Requirement 14)*
- *The 10-foot wide irrigation easement shall be shown on the final plat, as proposed on the preliminary plat. (Final Plat Requirement 2)*

Conclusion of Law

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agricultural water user facilities.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire District

1. *The subdivision is located within the jurisdiction of the Victor Rural Fire Department. (Eby Subdivision Application)*
2. *The All Valley Fire Council, which includes the Victor Rural Fire Department, has adopted Fire Protection Standards (outlined in document from the Hamilton Rural Fire Department) that address access, posting of addresses, and water supply requirements. The Fire Council also recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. (Exhibit A-1)*
3. *The following conditions will mitigate impacts of the subdivision on the Victor Rural Fire Department:*
 - *Provisions shall be included in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
 - *The covenants shall include a recommendation that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. (Condition 2)*
 - *Prior to final plat approval, the subdividers shall provide a letter from the Victor Rural Fire Department stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for the additional lot. Alternatively, the subdividers may provide evidence that \$500 has been contributed to the Victor Rural Fire Department with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
 - *The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Victor Rural Fire Department, has adopted Fire Protection Standards. All accesses, including driveways to*

residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Victor Rural Fire Department for further information". (Condition 6)

School District

4. The proposed subdivision is located within the Victor School District. (Eby Subdivision Application)
5. It is estimated that 0 to 1 school-aged child will be added to the Victor School District, assuming an average of 0.5 children per household. (Census 2000)
6. An existing home is located on proposed Lot 1. Through a life estate, the elderly couple that currently resides in the home will remain until they pass away. The future owner of Lot 2, the developer, will not have any school-aged children. The applicant is proposing to contribute \$250 to the School District. (Eby Subdivision Application and email from Bill Burnett dated November 16, 2007)
7. Notification letters were sent to the Victor School District requesting comments on January 23, 2007 and November 14, 2007, but no comments have been received from the School District. (Eby Subdivision File)
8. The cost per pupil for one year in the Victor School District, excluding capital costs, is \$6,747. Taxes from new residents are not immediately available to the school districts. (Exhibit A-2)
9. *While there is a high probability that this proposal will not result in additional students to the school district, there is nothing in the proposal that prohibits school children from living at the future residence on Lot 2. Staff recommends that the applicant negotiate a contribution with the BCC, in consultation with the Victor School District, if possible, to mitigate potential impacts of an additional student on the School District. (Condition 7 and Final Plat Requirement 17)*

Water and Wastewater Districts

10. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Eby Subdivision Application)

Law Enforcement and County Emergency Services (Sheriff, E-911, DES)

11. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Eby Subdivision Application)
12. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on January 23, 2007 and November 14, 2007, but no comments have been received from the Sheriff's Office. (Eby Subdivision File)
13. The average number of people per household in Ravalli County is 2.5. (Census 2000)
14. The applicant proposed to contribute \$500 to mitigate the impacts of the additional 2.5 people on Public Safety Services. (Eby Subdivision Application)

15. *To mitigate impacts on Ravalli County Public Safety Services, the subdivider shall submit \$500 to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (Condition 8)*

Ambulance Services

16. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Dept. Marcus Daly was contacted on January 23, 2007 and November 14, 2007, but no comments have been received to date. (Eby Subdivision File)
17. *To mitigate impacts on emergency services, the subdivider shall provide evidence with the final plat submittal that they have applied for a County-issued address for the new lot. (Condition 4)*

Solid Waste Services

18. Bitterroot Disposal provides solid waste service to this site.
19. Notification letters were sent to Bitterroot Disposal requesting comments on January 23, 2007 and November 14, 2007, but no comments have been received. (Eby Subdivision File)

Utilities

20. The proposed subdivision will be served by Ravalli Electric Cooperative and Qwest Communications. (Eby Subdivision Application)
21. Notification letters were sent to both utility companies requesting comments on January 23, 2007 and November 14, 2007, but no comments have been received by either company. (Eby Subdivision File)
22. *The following requirements will mitigate impacts of the subdivision on local utilities:*
- *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
 - *The applicant shall submit utility availability certifications from Ravalli Electric Cooperative and Qwest Communications prior to final plat approval. (Final Plat Requirement 13)*

Roads

23. It is estimated that this subdivision will generate an additional 8 trips per day. (Eby Subdivision Application)
24. Fifth Avenue, Pleasant View Drive, and Red Crow Road provide access to the subdivision from US Highway 93. (Eby Subdivision Application)
25. Fifth Avenue, Pleasant View Drive, and Red Crow Road are County-maintained roads. (RCSR)
26. The applicant is required to pay the pro rata share of the cost to improve the portions of Fifth Avenue, Pleasant View Drive, and Red Crow Road leading to the subdivision. (Section 5-4-5(d), RCSR)
27. There is an existing home built in 1970 on proposed Lot 1 that will continue to access off the existing approach to Red Crow Road. The applicant is proposing a new approach to access Lot 2. The applicant submitted a preliminary approach permit from the Road and Bridge Department. (Eby Subdivision Application)
28. Red Crow Road has an asphalt surface. (Eby Subdivision Application)
29. The applicant is proposing to pave the approach to the driveway on Lot 2 from the edge of pavement of Red Crow Road to the eastern boundary of the road easement prior to final plat approval. (Eby Subdivision Application)

30. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*

- *The applicant shall pay the pro rata share of the cost to improve the portions of Fifth Avenue, Pleasant View Drive, and Red Crow Road leading to the subdivision to meet County standards prior to final plat approval. (Final Plat Requirement 19)*
- *A final approach permit from the Ravalli County Road and Bridge Department for Lot 2 shall be submitted with the final submittal. (Final Plat Requirement 12)*
- *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)*
- *The final plat shall show a no-ingress/egress zone along the Red Crow Road frontage of Lots 1 and 2, excluding the existing driveway to the residence on Lot 1 and the approved approach to Lot 2. A notification of the no-ingress/egress zone shall be included in the notifications document. (Final Plat Requirement 2 and Condition 1)*
- *Prior to final plat approval, the applicant shall provide evidence that the approach to the driveway for Lot 2 has been completed, as proposed. (Final Plat Requirement 18)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on local services.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Air Quality

1. In an email dated January 10, 2007, the Montana Department of Environmental Quality (DEQ) identified the Hamilton and Missoula areas as communities with a high probability of failing to meet the recently revised National Ambient Air Quality Standards for particulate matter. Sources of particulate from this subdivision could be vehicles, and/or wood-burning stoves. There are no gravel roads accessing the subdivision. (Exhibit A-3)
2. *To mitigate impacts on air quality, a recommendation for EPA-certified wood stoves shall be included in the covenants. (Condition 2)*

Ground Water Quality

3. Lot 1 has an existing onsite septic system and individual well. The applicant is proposing a new onsite septic system with an elevated mound and an individual well for Lot 2. (Eby Subdivision Application)
4. Because both lots are 20 acres or more, review of the water and wastewater treatment facilities for the subdivision will be completed by the Ravalli County Environmental Health Department instead of DEQ. (Section 5-3-1(b), RCSR)

5. The home on Lot 1 was constructed in 1970, prior to the Montana Subdivision and Platting Act. Since the wastewater treatment system was installed prior to the issuing of septic permits, it is grandfathered. (Eby Subdivision Application)
6. The Ravalli County Environmental Health Department issued a permit for the proposed well and the wastewater treatment system on Lot 2. (Eby Subdivision Application)
7. *The applicant is required to submit a final letter of approval for the water and sanitation review from the RCEH prior to final approval. RCEH will require the applicant to complete Sanitation in Subdivision Exemption Application. (Final Plat Requirement 9)*

Surface Water Features

8. The North Fork of Bear Creek traverses Lot 2 and an unnamed tributary of the North Fork of Bear Creek traverses Lot 1. The applicant's consultant identified wetlands on the property. (Eby Subdivision Application)
9. The applicant is proposing to install a culvert for the driveway in a wetlands area. A permit from the U.S. Army Corps of Engineers has been obtained by the applicant. The applicant is proposing no-build/alteration zones over the wetlands/riparian areas and has designated a building envelope for the residence. (Eby Subdivision Application)
10. Both the old version of the National Wetlands Inventory (NWI) and the updated version of the NWI identify wetlands on the property. The NWI data for Montana are based on color infrared aerial photographs taken between 1980 and 2005. The recommended scale is 1:24,000 or smaller. Due to the scale, the primary intended use is for regional and watershed data display and analysis, rather than specific project data analysis. (U.S. Fish and Wildlife Service National Wetlands Inventory - Map 2)
11. FWP concurred with the applicant's proposed no-build/alteration zones. They recommended that FWP's riparian covenants be applied to the no-build/alteration zones. (Exhibit A-4)
12. The Ravalli County Floodplain Administrator made the following recommendations to mitigate impacts of the proposal on the riparian and wetland areas:
 - The no-build/alteration zones, as proposed on the preliminary plat, should be on the final plat.
 - A wetlands delineation should be conducted to adequately identify the locations of these sensitive lands. All wetlands should be identified on the final plat and classified as a no-build/alteration zone. Additionally, a 50-foot no-build zone is recommended to buffer and reduce impacts to the established wetlands.
 - Permits required from other agencies should be obtained before proceeding with the project.
13. There are two ponds located on the property that are stocked with fish. (Eby Subdivision Application and Exhibit A-6)
14. *To mitigate the impacts of this subdivision on the surface water features, the following conditions and requirements shall be met:*
 - *The no-build/alteration zones shall be shown on the final plat, as proposed in the preliminary plat. (Final Plat Requirement 2)*
 - *FWP's riparian covenants shall apply to the no-build/alteration zones. (Condition 2)*

- *A building envelope shall be designated on the final plat and shall not encroach on the no-build/alterations zones. (Condition 9)*
- *Prior to final plat approval, the applicant shall provide permits from DNRC for the water rights to the two ponds and permits from FWP for any fish in the ponds or evidence that the permits are not required. (Condition 10)*

Light Pollution

15. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association, www.darksky.org)
16. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

Vegetation

17. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Spotted Knapweed, St. Johnswort, Ox-eye Daisy, and Sulfur Cinquefoil were scattered on the property. The subdivider has proposed a provision in the covenants that the owners of each lot control noxious weeds. (Eby Subdivision Application)
18. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
19. The Montana Natural Heritage Program found that there were no plant species of concern within the same sections as the subject property (Eby Subdivision Application).
20. *To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Archaeological Resources

21. There are no known sites of historical significance on the property. (Eby Subdivision Application)
22. *To mitigate possible impacts on any potential sensitive historical, cultural, archaeological, paleontological, and/or scenic sites, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the developer will contact the State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

1. The property is located within big-game winter range. (FWP)
2. FWP recommended living with wildlife covenants for the property. (Exhibit A-4)
3. According to the Montana Natural Heritage Program (MNHP) in January of 2007, the A Cave Obligate Amphipod, Bull Trout, Canada Lynx, Olive-sided Flycatcher, the Bobolink, the Townsend's Big-eared Bat, the West slope Cutthroat Trout, and Lewis's Woodpecker were identified as species of concern as they have been known to exist in the same section as the proposed subdivision. (Eby Subdivision Application)
4. Current sensitive species data from MNHP (April, 2007) shows that the Olive-sided Flycatcher, Bobolink, Townsend's Big-eared Bat, and West slope Cutthroat Trout have occurred within the same sections as the subject property. (MNHP)
5. The subdivider requested and received waivers from the requirement to submit sensitive species reports for the Bobolink and the Townsend's Big-eared Bat because of the lack of habitat on the property. (Eby Subdivision File)
6. The subdivider submitted a sensitive species report for the Olive-sided flycatcher prepared by an ecological consultant named Joe C. Elliot Ph.D. Mr. Elliot visited the site in September of 2007 and found the habitat to be marginal for the Olive-sides flycatcher. (Eby Subdivision Application)
7. The subdivider submitted a sensitive species report for the West slope Cutthroat Trout and Bull Trout from Amy Chadwick, biologist with Watershed Consulting, LLC. Ms. Chadwick noted that the North Fork of Bear Creek likely supported fish species. She agreed with the proposed no-build/alteration zones and further recommended that the wooded riparian area along the North Fork of Bear Creek be fenced from grazing.
8. *To mitigate impacts on wildlife, the following conditions shall be met:*
 - *The covenants shall include a living with wildlife section. (Condition 2)*
 - *The no-build/alteration zones, as proposed on the preliminary plat, shall be shown on the final plat. (Final Plat Requirement 2)*
 - *Riparian covenants, including a provision that fencing be maintained to ensure that livestock do not damage the riparian areas associated with the creeks that traverse the property, shall apply to the no-build/alteration zones. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval, impacts on Wildlife & Wildlife Habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. Access is proposed off Fifth Avenue, Pleasant View Drive, and Red Crow Road from US Highway 93. (Eby Subdivision Application)
2. *The requirements and conditions listed under Roads in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*

Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Victor Rural Fire Department, the Ravalli County Sheriff's Office, Ravalli County E-911, the Ravalli County Department of Emergency Services, and Marcus Daly Memorial Hospital EMS Department. (Eby Subdivision Application)
4. This proposal will add approximately 2 to 3 people to Ravalli County. (Census 2000)
5. *The requirements and conditions listed under Fire District, Law Enforcement and County Emergency Services, Ambulance Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

6. There is an existing well and wastewater treatment system on Lot 1. These systems were installed prior to the Montana Subdivision and Platting Act and are grandfathered. The applicants are proposing an individual well and wastewater facilities for Lot 2. The Ravalli County Environmental Health Department has issued permits for the proposed well and wastewater treatment facilities. (Eby Subdivision Application)
7. *The applicant is required to submit a final letter of RCEH approval prior to final approval. (Final Plat Requirement 9)*

Natural and Man-Made Hazards

8. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
9. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
10. *To mitigate impacts on public health & safety, the covenants shall include a statement regarding radon exposure. (Condition 2)*
11. The preliminary plat and soils map indicate that the subdivision may have soils rated as "Very Limited" for road and building construction. (Eby Subdivision Application)
12. *To educate property owners and to mitigate potential impacts of this subdivision on Public Health & Safety, a notification of the potential for Very Limited soils shall be included in the notifications document filed with the final plat. A reduced plat showing the approximate locations of soils rated as Very Limited for roads and building construction and descriptions of the soils in question shall be attached to the notifications document as an exhibit. (Condition 1)*
23. The North Fork of Bear Creek traverses Lot 2 and an unnamed tributary of the North Fork of Bear Creek traverses Lot 1. (Eby Subdivision Application)
24. The applicant requested a waiver from the floodplain analysis requirement for the North Fork of Bear Creek. A floodplain analysis was not required for the unnamed tributary of the North Fork of Bear Creek. (Section 3-1-5(a)(xl), RCSR, and Eby Subdivision Application)

25. The Ravalli County Floodplain Administrator waived the floodplain analysis for the North Fork of Bear Creek because the applicants are proposing no-build/alteration zones over the estimated floodplain boundary, which is based on the dense riparian vegetation associated with the stream. The Ravalli County Floodplain Administrator made the following recommendations (Exhibit A-5):
- The lowest floor of all proposed structures and utilities should be located a minimum of 2.0 feet above the natural grade.
 - The no-build/alteration zones, as proposed on the preliminary plat, should be on the final plat.
 - Property owners should obtain flood insurance due to the proximity of each of the creek's estimated 100-year floodplains.
 - A wetlands delineation should be conducted to adequately identify the locations of these sensitive lands. All wetlands should be identified on the final plat and classified as a no-build/alteration zone. Additionally, a 50-foot no-build zone is recommended to buffer and reduce impacts to the established wetlands.
 - Permits required from other agencies should be obtained before proceeding with the project.
26. *To mitigate the impacts of this subdivision on public health and safety, the following conditions and requirements shall be met:*
- *The no-build/alteration zones shall be shown on the final plat, as proposed in the preliminary plat. (Final Plat Requirement 2)*
 - *A building envelope shall be designated on the final plat and shall not encroach on the no-build/alterations zones. (Condition 9)*
 - *A notification of the proximity to the North Fork of Bear Creek, a recommendation that the lowest floor of structures and utilities be located a minimum of 2.0 feet above the natural grade, and a recommendation that future owners to obtain floodplain insurance shall be included in the Notifications Document. (Condition 1)*
27. Approximately 40% of the property has moderate tree cover and the property is located 2.00 miles from the Bitterroot National Forest. There is continuous forest in the drainages that connect the property to the National Forest. (2004 Aerial Photographs)
28. The Planning Department determined that the property may be a wildland fire hazard. The applicant was required to hire a forester to determine whether or not the property was a wildland fire hazard. (Section 5-5-4, RCSR)
29. The area has been identified by the Bitterroot National Forest as a Wildland Urban Interface high risk area. (Exhibit A-7)
30. Because of the location of the building envelope, the Victor Volunteer Fire Department determined that the site is not a Wildland Fire Hazard risk. (Exhibit A-8)
31. Mark Lewing, a forester hired by the applicant, completed a fire risk assessment on the property and determined that the wildland fire hazard was extremely low to non-existent. (Exhibit A-6)

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.

Commissioner Rokosch opened public comment.

Bill stated this is a small and simple subdivision. They are in agreement with the Staff Report. They did have a Fire Department and Forest representative out to view the property for fire hazards. They indicated there were no hazards. The client agreed to pave the existing right of way to the pavement. The driveways will be gravel.

Mary Markwort stated she has some questions regarding the irrigation plan. She shares an irrigation ditch with the property and she would like to review it prior to final plat approval. There is irrigation spring water that will need to be included in the irrigation. Her last question is if it can be subdivided again down the line.

Jack Mauer stated he is an adjoined landowner and his concern is the species of plant life. He stated it is a very special place. He would like to see where the building site for the first house would be. Renee pointed it out on the map. Jack stated there are some fencing issues that need to be dealt with. Bill agreed to address the fence issue.

Larry Toulouse stated he loves the view and would like to build a ranch-type home and barn on the property. He stated he will not build a subdivision because he wants to keep it open.

Bill stated regarding the water rights, they do have an irrigation plan in the documents. They will be irrigating on alternate days.

Commissioner Rokosch called for further public comment, hearing none, public comment was closed. Board deliberations then took place.

Commissioner Rokosch stated no future subdivisions should be noted on the plat. Bill suggested adding it to the covenants. Renee replied it should be a condition.

Commissioner Rokosch stated his concern is with irrigation on alternate days and the spring water. Bill replied the spring water was used for stock watering by the Ebys. He stated it will not affect the current usage.

Due to a previous commitment, Commissioner Driscoll left the meeting as this time.

Commissioner Rokosch questioned the park land dedication. Renee replied it is not required for 2 lots and read the subdivision regulations that address park land.

Commissioner Rokosch stated the Board has been looking at the costs of impacts of subdivisions of county services. He stated the Board has been requesting \$200 per new lot for the impacts.

Commissioner Rokosch stated he would like to discuss the school contribution. Larry stated he would be willing to restrict it to a single family unit. Board discussion followed. Renee confirmed the agreement is for no further subdivisions and only one family per lot to be included on the final plat. She stated the condition could be listed under the criterion of Natural Environment. Commissioner Rokosch agreed.

Commissioner Grandstaff made a motion to approve Eby Minor Subdivision based on findings of fact and conclusions of law as stated within the Planning Staff Report and subject to the conditions in the Planning Staff Report and mitigation today to include condition under Natural Environment for no future subdivisions and \$200 contribution per new lot for the impact on county services. Commissioner Thompson seconded the motion, all voted 'aye'.

Minutes: Glenda Wiles

In other business the Board met for various administrative matters as follows:

- **Extension to preliminary plat decision of Roaring Lion Estates – Planner Tristan Riddell and Engineer John Horat met to present this extension request. Tristan stated this extension was submitted on a timely basis noting most of the preliminary plat requirements are complete with the exception of some payments and paperwork that would have needed to be completed by November 30th. John stated the DEQ and paving requests have been met, as well as all the tree cutting, road signs etc. The extension request follows the regulations, which allows a one year extension. John anticipates the final submittal will be ready shortly. Commissioner Thompson made a motion to grant this extension request for Roaring Lion Estates. Commissioner Chilcott seconded the motion and all voted "aye".**
- **Commissioner Grandstaff made a motion to sign a Landlord's Consent to Assignment Request for Farmers State Bank in regard for Michael J. Dyer who is a borrower for hangar construction at the airport. Commissioner Driscoll seconded the motion and all voted "aye".**
- **Commissioner Grandstaff made a motion to adopt Resolution No. 2253 which allows State Prosecution assistance in the case of State v. Cook. Commissioner Driscoll seconded the motion and all voted "aye".**
- The Board advised Glenda to prepare an email to Jill Shover of the FAA in regard to the verification authority for Page Gough, Dave Hedditch, Rick Donaldson and Mike Rogers who are trained in the maintenance of the new automated weather system at the Ravalli County.

Minutes: Beth Perkins

In other business the Board met with Planning Director Karen Hughes and Planner Shaun Morrell for a planning update. Several citizens were present.

Karen stated she will give a general update for countywide zoning. She stated she has spoke with Dennis Stranger about the fiscal model for impacts. She stated Dennis will be seeking an extension in his contract due to the budget not being printed yet. It was agreed to put it on the Commission agenda.

Karen stated she would like to discuss the ground rule documents for CPC's Planning Board. Commissioner Rokosch stated the Board cannot review a subdivision prior to a public meeting and then recommend the Planning Board to do a referral and have it completed within a specified timeframe. Karen asked if the Board wants packets when they are deemed sufficient. You have to consider the amount of information. Further discussion followed regarding options. Commissioner Grandstaff stated she does not want to be buried in more documents. Karen suggested the Planning Board could change their criteria to review them. The Board concurred. Karen will address it.

Commissioner Thompson stated the Planning Board has so much to do it was discussed to remove some of the subdivision reviews. They formed a subcommittee to address the major subdivisions and leave the minor subdivisions to the Commissioners. He would like to leave it as it is. Commissioner Rokosch stated they do provide a broader speculation of these subdivisions. Commissioner Driscoll stated in a discussion, she was told they are seeing smaller subdivisions coming through for approval.

Karen discussed the next Planning update schedule. She presented the Board with a project schedule for countywide zoning. Karen discussed the budget and the work plan. She requested the Board's comments regarding the schedule. She discussed within the work plan it was suggested that Clarion evaluate the regulations and then do a workshop for an orientation. She further discussed the remaining schedule in detail. (See Attached)

Commissioner Driscoll stated there was a program in Missoula County where you can have a map and sections to be "fitted" for zoning. Karen stated Clarion will receive values maps from the CPCs and then create a draft of zoning regulations. She expects some problems to occur then with people seeing a set of regulations and maps. She believes at that point, there will be public suggestions. She stated they will end up having 3 drafts of mapping and 3 drafts of regulations in between public comment prior to adoption. Board discussion followed regarding public comment and the resolution of intent to adopt.

Karen stated the general concept is doing values maps to zoning maps. She stated Lone Rock wants to get into detailed mapping. They may come back and ask for more information of constraints. Commissioner Rokosch stated they may want to consider more before doing the values map such as streamside setbacks, etc.

Commissioner Driscoll stated she does understand the empowerment of people seeing where the zoning could be on a map. She thinks they will feel better doing it in the planning process. Karen stated she has heard they are not getting the mapping done fast enough. The Board discussed some options.

Commissioner Rokosch questioned the non-resident landowners. Karen replied they are trying to do a series of mailings in a newsletter or post card format and also list other resources for them to get the blanket of information. Commissioner Driscoll asked about the pricing of the mailing. Karen replied depending on the type of the mailings, it is roughly \$7,000. Commissioner Rokosch suggested joining with the quarterly school

district flyers or another source like that to reduce the cost. Board discussion followed regarding more options.

Karen continued to review the work plan. Commissioner Rokosch asked if they were backing off of incorporating any other tools at this time because of budgeting issues. Karen replied yes, unless they get more money in. It is in the ball park of \$215,000.

Rick Fuhrman stated he has some comments. He questioned the scheduled December memo from Clarion evaluation of the draft zoning regulations. He then asked about the evaluations further in the schedule of meeting with the Planning Department and Clarion. He questioned the possibility of having earlier releases of those memos. He agrees with a letter from the Board to every property owner for notice of zoning. This way no one could come back and say the county did not try every effort to give notice.

Karen asked for any further comments.

Stewart Brandborg stated counties at the central level are doing their best to get good representatives and obtaining support. He stated he understands this is tentative however, the one day workshops should be looked at where they involve citizens can get very large quickly. It should be keep to discussion wide groups. If you get over 30 people, it gets out of hand. He feels we need the technical information before moving forward but is happy it is moving forward.

Karen replied she would like to keep the workshops to small groups; however it is not fiscally possible. Discussion followed regarding options.

Karen stated the next update will come out before December 11th.

Karen stated the CPCs are on the right track and progressing. She discussed the Commissioners give a little more support and attend the meetings. She suggested giving some direction to keep them on the right track and be consistent with the other CPCs.

Rick stated there is no substitute for having a Commissioner there. It can make 40 minutes of people talking about it to 3 minutes of the Commissioner saying it. Commissioner Driscoll stated the problem is having one Commissioner and their point of view versus the point of view of the whole Board of Commissioners. Rick replied yes, that is true but having one present is a big difference and you could say the Commission has not addressed a certain issue.

Karen discussed developing a core group within the CPC meetings. She suggested having the group send a letter to the Board and have them endorse their suggestions. Commissioner Grandstaff stated she has heard some people that are identified as being the core group not in favor of zoning which presents a problem. Karen replied it was discussed by having the Board give direction with developing the core group, they can keep control.

Minutes: Glenda Wiles (Continuation of meeting)

Stewart Brandborg stated in order to avoid self appointed individuals in these core groups, the core groups should work together first then appoint a leader. Commissioner Rokosch asked Shawn for his opinion on this issue. Shawn stated there is a lot of enthusiasm in Florence and Lone Rock, there are provisions in the ground rules that allow the core members to make some decision based on consensus.

Rick Furlman stated the woman from the Sonoran Institute gave some examples and there could be a possibility of not needing a core group. Karen stated they need to review the ground rules.

In regard to the Streamside Setback, Karen stated draft #8 is available. The Commissioners received this and will make a review.

In regard to Open Lands, the revised Resolution is prepared. The County Attorney's Office has made those revisions and Bond Counsel will also be reviewing this prior to the Commissioners review and approval on December 5th.

In regard to the Board of Adjustment (BOA), Shawn stated the BOA met last Monday and they asked for resolution on the issue of legal counsel and who they utilize; they also asked for variance review training. Glenda will schedule a meeting between the Commissioners and the County Attorney in regard to this request for training and legal counsel.

Glenda will also set up a 'blind draw' of the staggered terms for the BOA due to the appointments of the five members being up to two years and not specifying the staggered terms at the time of appointment. This 'blind draw' is according the Montana Statute requirements according to legal counsel Alex Beal.

Budget Per Pupil/Tax Levy Per Pupil

Year 2007-2008

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	9,246,716	1,413	6,544
Stevensville Elem	4,313,675	615	7,014
Stevensville HS	3,844,872	426	9,026
Hamilton	10,696,135	1,616	6,619
Victor	2,354,712	349	6,747
Darby	3,918,507	435	9,008
Lone Rock Elem	2,010,732	301	6,680
Florence	6,004,225	898	6,686

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

School	Total Tax Except Capital	Students October Count	County & State Levy*	Tax Levy Per Pupil Exc Capital	Total Capital	Per Pupil Tax Capital	Total Tax Levy Inc Capital	Tax Levy Per Pupil Inc Capital
Corvallis	1,894,368	1,413	941,511	2,007	166,126	117.57	3,002,005	2,125
Stevensville Elem	1,077,017	615	412,448	2,422	120,541	196.00	1,610,006	2,618
Stevensville HS	818,794	426	329,287	2,695			1,148,081	2,695
Hamilton	2,714,396	1,616	1,050,013	2,329	909,210	562.63	4,673,619	2,892
Victor	468,192	349	202,861	1,923	297,013	851.04	968,066	2,774
Darby	1,022,738	435	371,211	3,204		0.00	1,393,949	3,204
Lone Rock Elem	432,039	301	223,920	2,179	102,211	339.57	758,170	2,519
Florence	1,234,419	898	776,153	2,239	24,542	27.33	2,035,114	2,266

NOTE: * County levied Retirement and Transportation

Ravalli County Zoning -- Project Schedule

Draft of November 27, 2007

Legend

Italics = ongoing tasks throughout the life of the project

Bold = Public Workshops

November

20th Clarion and PPRI work with Planning Department (PD) to refine scope, timeline, budget
PPRI meets with constituencies and mapping consultants

December

Clarion prepares evaluation memo on Draft A of Zoning Regulations (existing)
PPRI and PD meets with CPCs, municipalities, and other constituencies to build relationships, confirm process and direction, etc.
PPRI may participate in data/mapping briefing sessions with each CPC

January

Clarion and PPRI prepare for Public Workshop # 1
Orientation to zoning, review Draft A regulations, and mapping process
25th *Clarion, PPRI, and PD consult BCC, PB, municipalities, and other agencies*
26th **Clarion and PPRI convene one-day Public Workshop**
Clarion begins to work on memo outlining the potential use of other zoning tools

February

12th Clarion and PPRI convene one-day workshop with CPCs to kick-start values mapping
PPRI and PD staff work with CPCs to develop values maps and provide comments on Draft A zoning regulations/Clarion memo
29th Clarion submits memo on other the potential use of other zoning tools (TDRs, etc.)
29th CPCs and others submit comments to Clarion and others on Draft A zoning regulations/memo
Clarion begins to integrate comments into Draft B Zoning Regulations
PPRI and PD staff consult with BCC, PB, municipalities, and other agencies

March

PPRI and PD continue working with CPCs and others on values mapping
14th CPCs submit values maps to Clarion and others
Clarion transforms values maps in Draft 1 Zoning Maps
PPRI and PD staff consult with BCC, PB, municipalities, and other agencies

April

1st Clarion distributes Draft B Zoning Regulations to PD (distribute to CPCs and others)
Clarion continues to work on zoning maps
18th *Clarion, PPRI, and PD consult with BCC, PB, municipalities, and other agencies*
19th **Clarion and PPRI convene Public Workshop # 2 (one-day)**
Present, explain, and discuss Draft B Zoning Regulations and Draft 1 Zoning Maps (include both plenary and break-out sessions)
PPRI and PD continue to work with CPCs and others to review regulations and maps

May

16th *PPRI and PD continue to work with CPCs and others to review regulations and maps*
CPCs and others submit comments to Clarion on regulations and maps
Clarion begins to revise regulations and maps based on comments

June

16th Clarion continues to prepare Draft C Zoning Regulations and Draft 2 Zoning Maps
Clarion and PPRI convene Public Workshop # 3 (one-day)
 Use survey, keypad polling technology (if affordable)
 PPRI is researching options
Clarion and PPRI summarize results and work with PD staff to prepare final documents for public hearings
Publish notice for Planning Board Public Hearing
PPRI and PD meets with CPCs, municipalities, constituencies, and decision-makers to facilitate communication, understanding, and agreement

July

15th Convene Planning Board Public Hearing
Clarion, PPRI, and PD staff document results and revise regulations and maps appropriately
Publish notice for BCC Public Hearing
PPRI and PD meets with CPCs, municipalities, constituencies, and decision-makers to facilitate communication, understanding, and agreement

August

19th Convene BCC Public Hearing
Clarion, PPRI, and PD staff document results and revise regulations and maps appropriately
PPRI facilitates final negotiations with appropriate parties

September

Clarion, PPRI, and PD staff document results and revise regulations and maps appropriately
PPRI continues to facilitate final negotiations with appropriate parties

October

7th BCC makes final decision

Overview of Work Plan

December 7?	Finish the contract and workplan
December	Clarion prepares memo evaluating Draft A Zoning Regulations (Land Use Subcommittee Draft) - scope: regulations only to address density, land use, building heights, yard setbacks
January 25th	Clarion/PPRI talk with key players and tour the area
January 26th	Clarion/PPRI convene one day public workshop - orientation to zoning - Clarion's evaluation of Draft A zoning regulations, presentation of the mapping process
<i>GIS Land Suitability Analysis due to be completed in January</i>	
February 12th	Clarion/PPRI convene one day public workshop - work with CPCs to kick start values mapping (CPCs will continue this work in their communities with assistance of staff and PPRI until deadline for submittal to Clarion)
February 29th	Clarion submits evaluation memo, scope - options for addressing key issues that might arise, e.g. private property rights, zoning for open and agricultural lands <i>Draft A</i>
	CPCs, public, staff and anyone else submits comments on Draft A zoning regulations
March 14th	CPCs submit values maps to Clarion and the County (values maps to be used to create zoning maps)
April 1st	Clarion distributes Draft B Zoning Regulations (revised based on Clarion, CPCs' and other's input)
April 19th	Clarion/PPRI to convene one day public workshop - present, explain and discuss Draft B Zoning Regulations and Draft 1 Zoning Map
May 16th	CPCs, public, staff and anyone else submits comments on Draft B Zoning Regulations and Draft 1 Zoning Map
June 16th	Clarion/PPRI to convene one day public workshop - final informal presentation of draft regulations and maps - Draft C Zoning Regulations and Draft 2 Zoning Map
July 15th	Planning Board Public Hearing
August 19th	BCC Public Hearing
October 7 (1st?)	BCC adopt Resolution of Intent to Adopt
Oct-Nov	30 day protest period
November 6th	BCC adopts Resolution to Adopt